

DRACUT ZONING BOARD OF APPEALS

Meeting Minutes of October 20, 2016 at 7:00 p.m. @ Dracut Town Hall Selectmen's Meeting Room, 62 Arlington Street, Dracut.

2016-15 @ 1905 Lakeview Avenue – Variance from rear yard lot line buffer from 30' to 18' and Variance from side yard buffering line at 24' driveway easement. Applicant seeks relief from Section 3.14.00 of the zoning by-laws. Applicants intend to erect and operate a Top Donut Shop serving coffee, donuts and related products. Petitioner: Robin and Wendy Ley.

Attorney Chambers, Mr. Ley, Mr. Xinidakis and Mr. Close, Engineer were present. Chairman Crowley signed in a set of prints with a revision date of October 9, 2016 and October 14, 2016. Chairman Crowley passed out the Proposed use Zoning Compliance Determination with a revised date of October 19, 2016 for Lot 222 and Lot 222.1 done by Dan McLaughlin, Inspector of Buildings.

Mr. Close reviewed the variances that they are looking for. On Lot 222 a 12 foot (15 feet required) buffer zone on the westerly side of the property abutting the Marolina property and a 15 foot (30 feet required) buffer zone on the back northerly side of the property.

The side and rear lot buffer figures changed from the original plan so he could allow 25 feet for the fire lane. Lot 222.1 has included the proposed building and parking.

Between the two (2) lots no would be no buffer zone and will be fully paved. Mr. Close mentioned there are other business similar to what is being proposed without buffering. A retail store is planned on this lot. He noted they have realigned the dumpsters so they are on their own lots. Parking meets the minimum required on each lot.

Chairman Crowley read the two Proposed use Zoning Compliance Determinations. The address for Lot 222 is 1905 Lakeview Avenue and Lot 222.1 is 1895 Lakeview Avenue. He stressed that the Board has not been liberal with the buffering for business up against residential. The abutting lot is zoned B3, but has a single family home on it.

Chairman Crowley indicated he is having a difficult time with this plan as there is not enough land. Other projects similar to this plan that have been approved had more land to work with.

Mr. Mallory made note that on the Table of Dimensions he noticed the buffer figures requested for the variances were incorrect. On Lot 222 the 15 feet for the side lot buffer should be 12 feet and the 18 feet for the rear lot buffer should be 15 feet. Mr. Close agreed and said they will need to be corrected.

Chairman Crowley reviewed the loading berth requirement By-Law 3.10.31 for the retail store on Lot 222.1. He noted that is the retail store was less than 5,000 square feet: a loading berth would not be required. Attorney Chamber said they could decrease the size of the building.

Chairman Crowley also noted that the 1,385 square feet for the coffee shop as shown on the plan was incorrect. It should read 1,419 square feet. Mr. Close will make the correction.

The direction of the traffic flow around the lots was reviewed.

Chairman Crowley indicated he is not inclined to vote for this plan at this time. He does not know how the rest of the Board feels. He feels the petitioner is trying to jam too much on one side of the lot. He suggested they take another look. If denied, they cannot return for at least two (2) years so it would be worthwhile to work on the plan.

Mr. Mallory questioned the depiction of the handicap spot size as shown on the plan. The handicap spot is required to be 12'x 20' with the regular spot size of 10'x20'.

Mr. Lussier is concerned that on Lot 222.1 easterly side where the 16 feet buffer in the rear is shown, if the fire apparatus can make the turn. This will be reviewed with the Fire Department.

It was agreed to continue to the November meeting. Attorney Chambers agreed to the extension of time for sixty (60) days.

Abutters: Who came forward in favor or in opposition? None.

A motion to continue to the November 17, 2016 meeting was made by Mr. McKiel and seconded by Ms. Santiago-Hutchings. The Board voted unanimously to continue.

Acceptance of Minutes:

A motion to accept the September 15, 2016 minutes was made by Mr. Scott Mallory and seconded by Ms. Heather Santiago-Hutchings. The Board voted unanimously to accept the minutes.

Zoning By-Laws Committee Report:

Chairman Crowley noted the Committee did review the submitted By-Law changes for Town Meeting and a report was submitted, but did not make it to the Board of Selectmen. The Committee reviewed the by-laws to make sure they comply. The report has since gone to the Board of Selectmen. He is hoping a Board Member will step up to replace one existing member of the Committee in January so there will be some continuity and a fresh view point.

New Business:

The State Zoning Enabling Act changes, new housing program was passed out noting Section 30 of Chapter 219 that amended the term of Special Permits from two to three years.

Next Meeting:

Thursday, November 17, 2016.

Adjournment:

A motion to adjourn was made by Mr. Scott Mallory and seconded by Ms. Heather Santiago-Hutchings. The Board voted unanimously to adjourn.

Board of Appeals Members

Chairman, John Crowley

Vice Chairman, R. Scott Mallory

Clerk, Stephen Hamilton

Member, Heather Santiago-
Hutchings

Member, Brian Lussier

Absent
Alternate Member, Richard Ahern

Alternate Member, Scott McKiel